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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,004	03/12/2001	Marcel Eduard Irene Broekaart	NL 000314	8862

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U.S. Philips Corporation
580 White Plains road
Tarrytown, NY 10591

EXAMINER

HA, NATHAN W

ART UNIT PAPER NUMBER

2814

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,004

Applicant(s)

BROEKAART ET AL.

Examiner

Nathan W. Ha

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Previous 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boeck et al. (5,880,018, previously cited) in view of Yew et al. (US 6,159,845, previously cited, hereinafter, Yew.).

In regard to claim 1, Boeck et al. show the method as claimed, in the Figures 14-15 with corresponding text, a method of manufacturing an electronic device, a semiconductor device 50 in particular but not exclusively, which method comprises the steps of:

applying a semiconductor substrate which is provided with a conductor 54 at a surface, the conductor 54 having a top surface portion and sidewall portions, of which at least the top surface portion is provided with an etch stop layer 56,

applying a dielectric layer,

Art Unit: 2814

etching a via 68 in the dielectric layer (58, 62) over the conductor 54, and stopping on the etch stop layer 56 to create an exposed part of the etch stop layer 16, removing the exposed part of the etch stop layer 56 inside the via 68 from at least the top surface portion of the conductor 54,

filling the via 68 with a conductive material 66.

Boeck does not expressly disclose that the etch stop layer that contains silicon carbide.

Yew, in fig. 1B, discloses an analogous semiconductor device including a substrate 100, an etch stop layer 106 made of silicon carbide in order to improve the device's performance since silicon carbide also provides hermetic and physical protection to the device after formation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the silicon carbide material as taught by Yew in Boeck's in order to take the advantages as mentioned above.

In re claim 2, Boeck et al. disclose a method as claimed in claim 1, characterized in that the etch stop layer 56 is applied to the top surface portion and the sidewall portions of the conductor 54 after the provision of the conductor 54 at the surface of the semiconductor substrate.

4. In re claim 3, Boeck et al disclose a method as claimed in claim 2, characterized in that the via 68 is etched while overhanging at least one of the sidewall portions of the conductor 54 and exposing at least part of the etch stop layer 56, which etch stop layer

Art Unit: 2814

56 covers the top surface portion and the at least one of the sidewall portions of the conductor 54.

5. In re claim 4, Boeck et al. disclose a method as claimed in claim 3, characterized in that the etch stop layer 56 is removed from inside the via 68 from only the top surface portion of the conductor 54.

6. In re claim 5, Boeck et al. disclose a method as claimed in claim 2, characterized in that the etch stop layer 56 is applied to the top surface portion and the sidewall portions of the conductor 54 as well as to portions of the semiconductor substrate which are not covered by the conductor 54.

7. In re claim 6, Boeck et al. disclose a method as claimed in claim 1, characterized in that the conductor 54 is provided while comprised at least in part of a material selected from a group comprising aluminum, copper and tungsten.

8. In re claim 7, Boeck et al. disclose a method as claimed in claim 1, characterized in that the conductor 54 is provided comprising a capping layer 66, which capping layer 66 provides the top surface portion of the conductor 54.

9. In re claim 8, Boeck et al. disclose a method as claimed in claim 7, characterized in that the capping layer 66 is comprised of a material selected from a group comprising titanium nitride, titanium tungsten and tantalum nitride.

10. In re claim 9, Boeck et al. disclose a method as claimed in claim 1, characterized in that the dielectric layer (58, 62) is applied by depositing a dielectric material having a dielectric constant lower than that of silicon oxide.

11. In re claim 10, Boeck et al. disclose a method as claimed in claim 9, characterized in that the dielectric layer (58, 62) is applied by depositing a material selected from a group comprising hydrogen silsesduioxane, parylene and a fluorinated polyimide.

12. In re claim 11, Boeck et al. disclose a method as claimed in claim 1, characterized in that the via 68 is filled by depositing a conductive layer 54, which conductive layer 54 comprises a metal selected from a group comprising aluminum, copper and tungsten.

Response to Arguments

13. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For instance, Yew, the secondary reference, indeed discloses the stop layer contains silicon carbide, see Yew's col. 2, lines 51-55.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2814

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

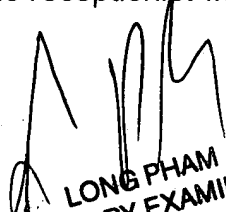
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan W. Ha whose telephone number is (703) 305-3507. The examiner can normally be reached on M-TH 8:00-7:00(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and 308-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Nathan Ha
March 10, 2003


LONG PHAM
PRIMARY EXAMINER
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